

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO.810 OF 2015
WITH
CIVIL APPLICATION NO.981 OF 2015
IN
APPEAL FROM ORDER NO.810 OF 2015**

Nanji Karsan Padaya

...Appellant/ Org.
Plaintiff

vs.

Atul Mavji Rathod & Ors.

...Respondents/ Org.
Defendants

Mr. Ramesh Dubey Patil i/b M. S. Jay and Co. for the appellant.
None for the respondents.

CORAM: N.M. JAMDAR, J.

DATED : 7 MARCH 2016

PC.:

. Mr. Dubey-Patil, the learned counsel for the appellant after arguing the matter for some time, states that the appellant will be satisfied if the City Civil Court is directed to consider the prayer of the appellant to provide shelter in the suit premises on humanitarian ground on priority basis keeping in mind the coming monsoon season.

2. The request made is reasonable. The Appeal from Order is disposed of as withdrawn. City Civil Court will consider the prayer of the appellant of giving him shelter in the suit premises purely on the humanitarian ground, on its own merits. All

contentions of the parties are kept open for consideration of this prayer. The observations made in the ad-interim order dated 23 September 2014 will not come in way of the appellant. As regards rest of the reliefs in the notice of motion, they will be considered by the City Civil Court.

3. In view of disposal of the Appeal, Civil Application does not survive and is disposed of accordingly.

(N. M. JAMDAR, J.)